



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

L-8J

SEP 30 2010

**VIA EXPRESS MAIL AND  
ELECTRONIC TRANSMISSION**

EPA Region 5 Records Ctr.



376155

Michael T. Scanlon, Esq.  
Barnes & Thornburg, LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
c/o  
ESI Environmental Inc.  
5232 West 79th Street  
Indianapolis, Indiana 46268

Re: *EPA Risk Based TSCA PCB Disposal Approval Issued to ESI Environmental, Inc.  
(ESI), Indianapolis, Indiana; 40 CFR §761.79(h) and §761.61(c);  
Tank 51 PCB Decontamination and Disposal*

Dear Mr. Scanlon:

By this letter, the U.S. Environmental Protection Agency, Region 5 (EPA or the Agency) issues a risk-based PCB disposal and decontamination approval to ESI Environmental, Incorporated, Indianapolis, Indiana (ESI) for the clean-up and disposal of PCB remediation waste at the ESI site located at 4910 West 86<sup>th</sup> Street, Indianapolis, Indiana. This approval is based upon a September 29, 2010 application submitted by ESI and WSP Environment & Energy, WSP Group, PLC (WSP) requesting the approval of a remedial action and environmental restoration work plan for the decontamination ("Revised Tank 51 Restoration Work Plan Application) of an on-site oil storage tank and associated piping, referred to as Tank 51, and to dispose of the sludge at the bottom of Tank 51. In addition, the September 29, 2010 approval application stated that the clean-up activities would be paid for by ESI's insurance company, Chartis Specialty Lines Insurance Company, Incorporated (Chartis).

This approval is granted in accordance with the Federal PCB regulations at 40 CFR §761.79(h) and §761.61(c). Under those regulations, a Regional Administrator may approve the decontamination and disposal of non-porous surfaces using a method which does not pose an unreasonable risk of injury to health or the environment. Under those regulations, a Regional Administrator may also approve the risk-based disposal of PCB remediation waste in a manner

other than those authorized at 40 CFR §761.61 (a) and (b), provided that the disposal method does not pose an unreasonable risk of injury to health or the environment. The authority to approve such methods in Region 5 has been delegated to the Director of the Land and Chemicals Division. Based upon a review of ESI & WSP's September 29, 2010 PCB approval application; the remedial action and environmental restoration work plan; the associated certifications; and the written commitment of Chartis to pay in full for the above-referenced PCB clean-up; EPA has determined that the following methods used to decontaminate Tank 51 and dispose of the sludge at the bottom of Tank 51, are essentially equivalent to the self-implementing decontamination and remediation procedures within the PCB regulations, and therefore, do not pose an unreasonable risk of injury to health or the environment.

**A. Decontamination of Tank 51**

1. Remove ridges on the top of the sludges: The existing manway will be used to access the top of the sludge at the bottom of the tank. A high pressure sprayer equipped with a camera and lights will be inserted in the existing manway and then will be used to smooth out the high spots to allow oil to flow towards the manway. Contractor personnel will not enter the tank, unless absolutely necessary to smooth out the high spots.
2. Triple Rinse the interior surfaces of Tank 51: The exposed surfaces in the tank will be triple rinsed with a hydrocarbon-based solvent, such as diesel fuel, using a nozzle powerful enough to reach the other side of the tank from the existing manway. Contractor personnel will spray from the manway using the remote sprayer. The triple rinse will consist of spraying the tank walls, any components, and the surface of the sludge with the rinse solvent. The rinse volume will be 15,000 gallons, which is less than 10 percent of the tank volume (846,000 gallons). Therefore, each rinse will consist of reuse of the 15,000 gallons 6 times.
3. Collect and test the rinse material: The rinse material will be pumped out of Tank 51 using the pumping system used to remove the oil from tank into a mixing frac tank for reuse. After the 15,000 gallons have been used 6 times, a representative sample will be collected for testing. A representative sample will be collected by running the mixers in the mix tank for 30 minutes and then collecting a sample from the mixing liquid through the manway in the middle of the mixing tank at a depth of one-foot below the liquid surface. The sample will be tested for percent solids using American Society for Testing and Materials (ASTM) method D1798; if the solvent-oil mixture is greater than 0.5 percent solids (by weight), then the solid and liquid sample phases will be separated in accordance with §761.269 and tested for PCBs in accordance with §761.272. If the results of the sample of the liquids from the rinse material is greater than or equal to 50 ppm PCBs, the rinse material will be disposed of as described below and new rinse material will be used. If the liquids from the rinse material is less than 50 ppm, it will be reused in the second rinse.
4. Rinses 2 and 3: The second rinse will be conducted in a manner similar to the first rinse. After the second rinse is completed, the rinse material will be collected and tested as described in step 3. If the results from testing the second rinse indicate a PCB

concentration greater than or equal to 2 ppm, the rinse material will be disposed of as described below and new rinse material will be used. If the results from testing the second rinse indicate a PCB concentration less than 2 ppm, it will be reused in the third rinse. The third rinse will be conducted in a manner similar to the other two rinses. After the third rinse is completed, the rinse material will be collected and tested as described in step 3. If the results from testing the third rinse indicate a PCB concentration less than 2 ppm, the triple rinse will be considered complete. If the results from testing the third rinse indicate a PCB concentration greater than or equal to 2 ppm, the rinse material will be disposed of as described below, and another rinse will be completed. Additional rinses and testing will be completed until the rinse material after a completed rinse cycle is less than 2 ppm PCBs.

5. **Collect sludge samples:** Samples will be collected from the surface of the sludge at the bottom of the tank. Five samples will be collected from each of the four tank quadrants using threaded PVC piping angled to collect the sample. The sampler will be "pushed" by mechanical means if necessary to collect a sample from 6 to 8 inches. Samples will be collected randomly within the quadrant. Each sample will be collected using dedicated piping and sampler. The samples will be analyzed for PCBs in accordance with §761.272. If the surface samples detect PCBs above or equal to 1 ppm, then another rinse removing 6 to 8 inches of material in the area above the cleanup standard using new rinse material will be completed, and sludge samples will be collected as described above. If the rinsing process can not remove 6 to 8 inches of sludge, then other methods to remove the sludge will be employed. If the testing detects PCBs above or equal to 1 ppm, then the process of rinsing and sampling (or material removal by other means) will be repeated until all samples are 1 ppm or below.

#### **B. Disposal of Rinsate**

The following methods of disposal of the rinsate are prescribed at §761.79(g):

1. Hydrocarbon solvent used or reused for decontamination that contains less than 50 ppm PCB may be burned and marketed in accordance with the requirements for used oil in 761.20(e), or decontaminated pursuant to 761.79.
2. If the rinse material contains less than 2 ppm PCBs, it may be considered to have met the decontamination standard for organic liquids at §761.79(b)(2) and, therefore, not regulated for disposal.
3. If the rinse material contains above or equal to 50 ppm PCBs, the rinse material must be disposed of at a facility with an approval issued under §761.60(a) or (e):

#### **C. Disposal of Sludge at the Bottom of Tank 51**

1. If the sludge at the bottom of Tank 51 contains less than 50 ppm PCB, it may be disposed of in accordance with §761.61(a)(5)(i)(B)(2)(ii), in a facility permitted, licensed, or registered by a State to manage municipal solid waste subject to 40 CFR Part 258, or in a facility permitted licensed or registered by a State to manage non-municipal non-hazardous waste subject to 40 CFR §§ 257.5 through 257.30.
2. If the sludge at the bottom of Tank 51 contains greater than or equal to 50 ppm PCBs, it may be disposed of in accordance with §761.61(a)(5)(i)(B)(2)(iii) in a TSCA landfill or a hazardous waste landfill permitted by EPA under section 3004 of RCRA or by a State authorized under section 3006 of RCRA.

**D. Decontamination of Tank 51 Below the Sludge**

1. When the sludge at the bottom of Tank 51 is removed, the interior surfaces of Tank 51 below the top surface of the sludge may be decontaminated in accordance with §761.79(c)(1), or steps 1 through 4, above, adjusting the volume of rinse material used based on the capacity of the tank to the top surface of the sludge.

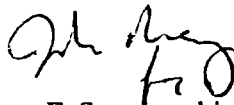
**E. Decontamination of Mixing Tank**

1. The mixing tank must be decontaminated in accordance with §761.79(c)(1).

This approval does not relieve you from complying with all other applicable Federal, state, and local regulations. In addition, this approval does not preclude the EPA from initiating an enforcement action, including seeking civil penalties, for violation of TSCA or the Federal PCB regulations.

If you have any questions regarding this letter or chose to propose other methods for decontaminating Tank 51 or disposing of the sludge, please contact Karen Kirchner at (312) 353-4669.

Sincerely,



Bruce F. Sypniewski, Acting Director  
Land and Chemicals Division

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